

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WAYNE CHARLES  
WAYNE CHARLES II,

Plaintiffs,

**Civ. Action No:** 15-cv-9758 (PAE)  
(*Rel.* 15-cv-09334, 15-cv-08283)

-against-

Hon. Paul A. Engelmayer, U.S.D.J

LEE A. POLLOCK; POLLOCK & MAGUIRE, LLP  
RICHARD LEVITT; NICHOLAS KAIZER;  
LEVITT & KAIZER; PAUL A. SCHNEYER;  
GLENDA CHARLES,

Defendants.

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**NOTICE OF MOTION TO DISMISS THE COMPLAINT FOR FAILURE  
TO STATE A CLAIM AND LACK OF SUBJECT MATTER JURISDICTION**

PLEASE TAKE NOTICE that, pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(b)(1) and upon the accompanying Memorandum of Law and the Declaration of Peter S. Dawson and the exhibit annexed thereto, and all other papers and proceedings herein, Defendants Lee A. Pollock, Pollock & Maguire, LLP, Levitt & Kaizer, Richard Levitt, and Nicholas Kaizer will move this Court before the Honorable Paul A. Engelmayer, United States District Judge, at the United States District Courthouse for the Southern District of New York, 40 Foley Square,

New York, New York 10007 on the 1st day of April 2016, or at a date and time to be determined by the Court, for an Order dismissing the Complaint in this action.

Dated: White Plains, New York  
February 19, 2016

**POLLOCK & MAGUIRE, LLP**

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By: /s/ Lee A. Pollock  
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